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Supreme Court, U.S.
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No. 00-593

In the
Supreme Court of the United States

Public Service Commission of Utah, Stephen F. Mecham, Constance B. White, and Clark D. Jones, Commissioners of the Public Service Commission of Utah
PETITIONERS

v.

US West Communications, Inc., MCI Telecommunications Corp., and AT&T Communications of the Mountain States, Inc.
RESPONDENTS

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Tenth Circuit

PETITIONERS' SUPPLEMENTAL BRIEF

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Pursuant to Rule 15 of the Rules of the Supreme Court of the United States, the Public Service Commission of Utah and the individual commissioners of the Public Service Commission of Utah, submit this Supplemental Brief. Pursuant to part 8 of Rule 15, a party may submit a supplemental brief calling attention to new cases not available at the time of the party's last filing.

Since the last filing, by either petitioners or respondents, the Fourth Circuit Court of Appeals issued a decision, February 14, 2001, in Bell Atlantic Maryland, Inc. v. MCI Worldcom, Inc., et al, 4th Circuit No. 99-2616, addressing sovereign immunity issues as those raised by petitioners' Petition for Writ of Certiorari filed in this case. The Fourth Circuit decision is directly contrary to the Tenth Circuit Court of Appeals' decision on waiver of a

state's Eleventh Amendment immunity and the application of the Ex Parte Young type of jurisdiction over individual members of a state utility regulatory commission in cases brought under the Federal Telecommunications Act of 1996; specifically 47 U.S.C. §252.

The conflict between the recent Fourth Circuit decision and the decision of the Tenth Circuit Court at issue in this case should bear upon this Court's consideration in granting the requested Writ of Certiorari; in addition to the reasons previously argued by petitioners in their original and reply briefs.

Submitted this 15th day of February, 2001

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